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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: S. KOBAYASHI et al.  
Serial No.: 09/889,788  
Filed: September 26, 2001  
For: LIQUID CRYSTAL DISPLAY ELEMENT  
Art Unit: 2871  
Examiner: T. Rude

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

March 19, 2003

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Sir:

An amendment was filed on January 3, 2003, in the above-identified application in response to the non-final Office Action of October 3, 2002. The applicants had not received an Office communication responding to the amendment of January 3, 2003, as of the filing date of March 19, 2003, of this Information Disclosure Statement, such that, as far as could be determined, this Information Disclosure Statement is being submitted on or before the mailing date of a final Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the application pursuant to 37 CFR 1.97(c).

Pursuant to 37 CFR 1.97(c) and 1.98, attached hereto are copies of the following thirteen references:

U.S. Patent Nos. 4,345,249, 5,576,867, and 5,598,285;

Japanese references 63-21907, 5-265006, 6-160878, 6-222397, 7-159786, 9-230354, 9-316200, and 10-319382 (each including an English abstract except for Japanese reference 63-21907);

PCT reference 91/10936 (including an English abstract on the first page thereof); and

T. Sasaki et al., "An Analysis of Image-Sticking Effect by Transmittance Drift Measurement in Liquid Crystal Cells", Electronics and Communications in Japan, Part 2, Vol. 78, No. 2, 1995, pp. 79-85, ISSN 8756-663X/95/0002-0079 (in English), translated from Denshi Joho Tsushin Gakkai Ronbunshi, Vol. 77-C-II, No. 9, September 1994, pp. 392-398 (in Japanese).

Also attached hereto are two forms PTO-1449 listing these thirteen references.

Also attached hereto is a copy of an international search report in the English language mailed on April 27, 1999, in connection with international application No. PCT/JP99/00244 filed on January 22, 1999, of which the present application is a national stage application under 35 USC 371. Japanese references 5-265006, 7-159786, 9-230354, 9-316200, and 10-319382 are cited in the international search report.

The "Notification of Acceptance of Application under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" mailed on October 19, 2001, in the present application indicates that "[c]opy of references cited in ISR" and [c]opy of the International Search Report" have been received. The international search report referred to in the Notification is the international search report mailed on April 27, 1999, a

copy of which is attached hereto, and the references referred to in the Notification are Japanese references 5-265006, 7-159786, 9-230354, 9-316200, and 10-319382, copies of which are attached hereto.

In light of this, it is submitted that the Examiner was required to consider Japanese references 5-265006, 7-159786, 9-230354, 9-316200, and 10-319382 cited in the international search report in the Office Action of October 3, 2002, pursuant to MPEP 609, Eighth Edition, August 2001, page 600-119, which provides as follows in pertinent part:

The examiner will consider the documents cited in the international search report in a PCT national stage application when the Form PCT/DO/EO/903 indicates that both the international search report and the copies of the documents are present in the national stage file. In such a case, the examiner should consider the documents from the international search report and indicate by a statement in the first Office action that the information has been considered. There is no requirement that the examiner list the documents on a PTO-892 form.

However, the Office Action of October 3, 2002, does not indicate that Japanese references 5-265006, 7-159786, 9-230354, 9-316200, and 10-319382 have been considered. Accordingly, it is respectfully requested these references be considered in the next Office Action. Furthermore, if the Examiner should reject any of the claims over any of Japanese references 5-265006, 7-159786, 9-230354, 9-316200, and 10-319382 in the next Office Action, it is submitted that the Examiner cannot make that Office Action final because these references should have been considered in the Office Action of October 3, 2002, as required by MPEP 609.

U.S. Patent No. 4,345,249, Japanese references 63-21907, 6-160878, 6-222397, and 7-159786, and PCT reference 91/10936 are cited on page 2 of the specification as amended by the accompanying supplemental amendment.

U.S. Patent No. 4,345,249 is a U.S. counterpart of Japanese reference 63-21907.

U.S. Patent No. 5,576,867 is a U.S. counterpart of PCT reference 91/10936.

U.S. Patent No. 5,598,285 is a U.S. counterpart of Japanese reference 6-160878 based on the fact that both U.S. Patent No. 5,598,285 and Japanese reference 6-160878 claim the right of priority based on Japanese application No. 4-249938 filed on September 18, 1992.

U.S. Patent No. 6,300,994 cited by the Examiner on the form PTO-892 attached to the Office Action of October 3, 2002, is a U.S. counterpart of Japanese reference 7-159786 based on the fact that both U.S. Patent No. 6,300,994 and Japanese reference 7-159786 claim the right of priority based on Japanese application No. 5-233262 filed on September 20, 1993, and Japanese application No. 5-254028 filed on October 12, 1993.

Japanese references 63-21907, 5-265006, 6-160878, 6-222397, 7-159786, 9-230354, 9-316200, and 10-319382 and PCT reference 91/10936 are not in the English language.

The concise explanation of the relevance of Japanese reference 63-21907 required by 37 CFR 1.98(a)(3)(i) is provided by U.S. Patent No. 4,345,249 which is a U.S. counterpart of this reference, and by the discussion of this

reference in the specification as permitted by the last sentence of 37 CFR 1.98(a)(3)(i).

The concise explanation of the relevance of PCT reference 91/10936 required by 37 CFR 1.98(a)(3)(i) is provided by the English abstract of this reference; by U.S. Patent No. 5,576,867 which is a U.S. counterpart of this reference; and by the discussion of this reference in the specification as permitted by the last sentence of 37 CFR 1.98(a)(3)(i).

The concise explanation of the relevance of Japanese references 5-265006, 9-230354, 9-316200, and 10-319382 required by 37 CFR 1.98(a)(3)(i) is provided by the English abstracts of these references, and by the discussion of these references in the international search report.

The concise explanation of the relevance of Japanese reference 6-160878 required by 37 CFR 1.98(a)(3)(i) is provided by the English abstract of this reference; by U.S. Patent No. 5,598,285 which is a U.S. counterpart of this reference; and by the discussion of this reference in the specification as permitted by the last sentence of 37 CFR 1.98(a)(3)(i).

The concise explanation of the relevance of Japanese reference 6-222397 required by 37 CFR 1.98(a)(3)(i) is provided by the English abstract of this reference, and by the discussion of this reference in the specification as permitted by the last sentence of 37 CFR 1.98(a)(3)(i).

The concise explanation of the relevance of Japanese reference 7-159786 required by 37 CFR 1.98(a)(3)(i) is provided by the English abstract of this reference; by U.S. Patent No. 6,300,994 which is a U.S. counterpart of this

reference; by the discussion of this reference in the international search report; and by the discussion of this reference in the specification as permitted by the last sentence of 37 CFR 1.98(a)(3)(i).

Pursuant to 37 CFR 1.97(c), as far as could be determined, this Information Disclosure Statement is being submitted on or before the mailing date of a final Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the application.


Pursuant to 37 CFR 1.97(c)(2), submitted herewith is a credit card payment form in payment of the fee of \$180.00 set forth in 37 CFR 1.17(p).

It is respectfully requested that this Information Disclosure Statement be considered.

Please charge any shortage in fees due in connection with the filing of this paper, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (1113.40340X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

  
Melvin Kraus  
Registration No. 22,466

MK/RSS  
(703) 312-6600

Attachments